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EXAMINER

TAYLOR, JOSHUA D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/727,304	Applicant(s) YEH ET AL.	
	Examiner JOSHUA TAYLOR	Art Unit 2426	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 10-31, 34-43, 46-51, 70, 72-77 and 80-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-31, 34-43, 46-51, 70, 72-77 and 80-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered on December 9, 2009 for patent application 10/727,304 filed on December 2, 2003.
2. The Non-Final Rejection of September 9, 2009 is fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 1-7, 10-31, 34-43, 46-51, 70, 72-77 and 80-84 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 10-13, 36-43, 46-51, 70, 72-77 and 80-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yap et al. (Pub. No.: US 2002/0040475) in view of Alten et al. (Pat. No.: US 6,661,468) and Hirasawa (PCT Pub. No: WO 03009141 A1; for which Pat. No.: US 7,441,124 will serve as a translation and for citation purposes.), and further in view of Rodriguez et al. (Pat. No.: US 7,373,650).

Examiner's Note (EN): ¶11. below applies.

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Regarding claim 1, Yap discloses **a display device comprising: a connection to a number of recording devices** (Figs. 13 and 14, paras. [0269]-[0274]. A display device is connected to at least one digital video recorder (DVR), and one is a number.); **a connection to a number of sources of audiovisual programming** (Fig. 2, elements 10, 40, 41, 271 and 272. A display device can receive audiovisual programming from at least one receiver/tuner, and one is a number); **a first display** (Figure 2, element 271 and/or 272) **associated with a source of audiovisual programming** (paragraph [0199]); **a second display** (Figure 2, element 272 and/or 271) **associated with a connected recording device** (paragraph [0198]); **in which said first display displays said audiovisual programming from said source of audiovisual programming** (paragraph [0199]). The limitation **and in which said connection to said recording devices and said connection to said sources of audiovisual programming are configured to provide asynchronous and isochronous data transfer** is not further limiting, as “[c]laim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. (See MPEP § 2111.04)” The phrase “configured to,” which is similar in meaning to “adapted to,” renders the above limitation to be non-limiting, as Yap discloses the structure of the connections to the recording devices and content sources. Furthermore, Yap discloses that the internet may be used as a content feed (Fig. 2, element 26), as well as disclosing that the 1394 protocol may be used (para. [0108]). Thus, Yap does in fact disclose wherein both asynchronous data transfer (internet) and isochronous data transfer (cable or satellite television) could be used, and discloses a means for transferring said data (an IEEE 1394 cable can carry both asynchronous and isochronous data). Yap does not explicitly disclose **a first identifier**

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displayed in association with said first display identifying said source of audiovisual programming associated with said first display from among a plurality of sources of audiovisual programming. However, in analogous art, Alten discloses displaying to users an indication of the source from which a program is being received (Fig. 37, column 27, lines 37-52), so that the user can know which programs are sourced from cable, satellite, broadcast, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include identifying the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to know from which source the programming was coming.

Neither Yap nor Alten explicitly disclose **a second identifier displayed in association with said second display identifying said connected recording device associated with said second display.** However, in analogous art, Hirasawa discloses displaying to the user information indicative of recording source and recording destination (Figs. 70 A and 70B, column 40, lines 31-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap and Alten to include identifying an associated recording device. This would have produced predictable and desirable results, in that the user would have a way to know where the material was being recorded.

Neither Yap, Alten nor Hirasawa explicitly disclose wherein **said display device comprises a user interface comprising: the first display as a first window and the second display as a second window.** However, in analogous art concerning electronic programming guides (EPGs), Rodriguez discloses that a single display can have several windows, wherein each window can display videos, EPG information, or a combination of the two (Figs. 5A-5E,

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col. 28, ln. 29 - col. 29, ln. 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above teachings to allow for the displays of Yap to be shown in windows on the same display. This would have produced predictable and desirable results, in that the user could gain access to more information while still having the information organized in a manner than is easy to navigate.

Regarding claim 2, the combined teachings as stated above disclose **the display device of claim 1**, and Yap further discloses **wherein said recording device is also a second source of audiovisual programming and said audiovisual programming from said recording device is displayed in said second window** (paragraph [0208]).

Regarding claim 3, the combined teachings as stated above disclose **the display device of claim 1**, and Yap discloses **further comprising controls for controlling said connected recording device** (paragraphs [0110], [0126] and [0149]-[0150]).

Regarding claim 4, the combined teachings as stated above disclose **the display device of claim 3**, and Yap discloses **further comprising a status identifier for identifying a current operation being performed by said connected recording device** (paragraphs [0196]-[0197], Table 1).

Regarding claim 5, the combined teachings as stated above disclose **the display device of claim 3**, and Yap further discloses **wherein, when said controls are used to send a record command to said connected recording device** (paragraph [0126]), **said connected recording device automatically records said audiovisual programming being displayed in said first window** (paragraph [0199]).

Regarding claim 6, the combined teachings as stated above disclose **the display device of claim 5**, and Yap further discloses **wherein, while said connected recording device is recording, said audiovisual programming is also displayed in said second window** (paragraph [0199]).

Regarding claim 7, the combined teachings as stated above disclose **the display device of claim 3**, and Yap further discloses **wherein multiple recording devices are connected** (Figure 2, elements 205 and 255, paragraphs [0107] and [0152]-[0154], Figure 8, element 320), **said controls further comprising controls for selecting a recording device to be associated with said second window and controlled through said user interface** (paragraphs [0150]-[0151]).

Regarding claim 10, the combined teachings as stated above disclose **the display device of claim 1**, and Yap discloses **further comprising controls associated with said second window, wherein a record command issued using said controls is a command for said recording device associated with said second window to record from said source of audiovisual programming associated with said first window** (paragraph [0031]).

Regarding claim 11, the combined teachings as stated above disclose **the display device of claim 10**, and Yap discloses **further comprising a status identifier identifying a current operation being performed by said source of audiovisual programming** (paragraphs [0126] and [0149]-[0150]).

Regarding claim 12, the combined teachings as stated above disclose **the display device of claim 10**, and Yap discloses **wherein said second window displays said audiovisual programming in response to said record command, such that both said first and second windows each display said audiovisual programming from said source of audiovisual**

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programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window (paragraph [0031]).

Regarding claim 13, the combined teachings as stated above disclose **the display device of claim 1**, and Yap further discloses **wherein said recording device is a memory card** (paragraph [0158]).

Regarding claim 36, Yap discloses **a computer program product for providing an on-screen user interface for a video display device** (para. [0223]), **the computer program product comprising: a computer usable medium having computer usable program code embodied therewith, the computer usable program code comprising: computer usable program code configured to display a first display** (Figure 2, element 271 and/or 272) **associated with a number of sources of audiovisual programming connected to said video display device** (paragraph [0199]); **computer usable program code configured to display a second display** (Figure 2, element 272 and/or 271) **associated with a number of recording devices connected to said video display device** (paragraph [0198]). The limitation in which **said connection between said video display device and said sources of audiovisual programming and recording devices are configured to provide asynchronous and isochronous data transfer** is not further limiting, as “[c]laim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. (See MPEP § 2111.04)” The phrase “configured to,” which is similar in meaning to “adapted to,” renders the above limitation to be non-limiting, as Yap discloses the structure of the connection to the recording devices and

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content sources. Furthermore, Yap discloses that the internet may be used as a content feed (Fig. 2, element 26), as well as disclosing that the 1394 protocol may be used (para. [0108]). Thus, Yap does in fact disclose wherein both asynchronous data transfer (internet) and isochronous data transfer (cable or satellite television) could be used, and discloses a means for transferring said data (an IEEE 1394 cable can carry both asynchronous and isochronous data). Yap does not explicitly disclose **computer usable program code configured to display a first identifier displayed in association with said first display identifying said source of audiovisual programming associated with said first display from among said sources of audiovisual programming**. However, in analogous art, Alten discloses displaying to users an indication of the source from which a program is being received (Fig. 37, column 27, lines 37-52), so that the user can know which programs are sourced from cable, satellite, broadcast, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include identifying the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to know from which source the programming was coming.

Neither Yap nor Alten explicitly disclose **computer usable program code configured to display a second identifier displayed in association with said second display identifying said recording device associated with said second display from among said recording devices**. However, in analogous art, Hirasawa discloses displaying to the user information indicative of recording source and recording destination (Figs. 70 A and 70B, column 40, lines 31-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap and Alten to include identifying an associated recording device. This

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would have produced predictable and desirable results, in that the user would have a way to know where the material was being recorded.

Neither Yap, Alten nor Hirasawa explicitly disclose wherein **said display device comprises a user interface comprising: the first display as a first window and the second display as a second window**. However, in analogous art concerning electronic programming guides (EPGs), Rodriguez discloses that a single display can have several windows, wherein each window can display videos, EPG information, or a combination of the two (Figs. 5A-5E, col. 28, ln. 29 - col. 29, ln. 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above teachings to allow for the displays of Yap to be shown in windows on the same display. This would have produced predictable and desirable results, in that the user could gain access to more information while still having the information organized in a manner than is easy to navigate.

Regarding claim 37, the combined teachings as stated above disclose **the processor-readable instructions of claim 36**, and Yap further discloses **wherein said first window displays said audiovisual programming from said source of audiovisual programming** (paragraph [0199]).

Regarding claim 38, the combined teachings as stated above disclose **the processor-readable instructions of claim 36**, and Yap further discloses **wherein said connected recording device is also a second source of audiovisual programming and said audiovisual programming from said recording device is displayed in said second window** (paragraph [0031]).

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Regarding claim 39, the combined teachings as stated above disclose **the processor-readable instructions of claim 36**, and Yap further discloses **wherein said user interface further comprises on-screen controls for controlling said connected recording device** (paragraphs [0110], [0126] and [0149]-[0150]).

Regarding claim 40, the combined teachings as stated above disclose **the processor-readable instructions of claim 39**, and Yap further discloses **wherein said user interface further comprises a status identifier for identifying a current operation being performed by said connected recording device** (paragraphs [0196]-[0197], Table 1).

Regarding claim 41, the combined teachings as stated above disclose **the processor-readable instructions of claim 39**, and Yap further discloses **wherein, when said on-screen controls are used to send a record command to said connected recording device** (paragraph [0126]), **said user interface causes said connected recording device to record said audiovisual programming being displayed in said first window** (paragraph [0199]).

Regarding claim 42, the combined teachings as stated above disclose **the processor-readable instructions of claim 41**, and Yap further discloses **wherein, while said connected recording device is recording, said audiovisual programming is also displayed in said second window** (paragraph [0199]).

Regarding claim 43, the combined teachings as stated above disclose **the processor-readable instructions of claim 39**, and Yap further discloses **wherein when multiple recording devices are connected to said video display device** (Figure 2, elements 205 and 255, paragraphs [0107] and [0152]-[0154], Figure 8, element 320), **said controls further comprise**

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controls for selecting a recording device to be associated with said second window and controlled through said user interface (paragraphs [0150]-[0151]).

Regarding claim 46, the combined teachings as stated above disclose **the processor-readable instructions of claim 36**, and Alten further discloses **wherein said user interface further comprises controls associated with said first window for selecting and controlling said source of audiovisual programming associated with said first window** (Fig. 37, column 27, lines 53-62). Alten discloses a user interface from which the user can select a programming source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include being able to select from a user interface the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to select from which source the programming was coming.

Regarding claim 47, the combined teachings as stated above disclose **the processor-readable instructions of claim 46**, and Yap further discloses **wherein said user interface further comprises a status identifier identifying a current operation being performed by said source of audiovisual programming associated with said first window** (paragraphs [0126] and [0149]-[0150]).

Regarding claim 48, the combined teachings as stated above disclose **the processor-readable instructions of claim 36**, and Yap further discloses **wherein said first window displays an electronic program guide for said source of audiovisual programming associated with said first window, and said second window lists programs selected by a user from said electronic program guide** (paragraphs [0186]-[0187]).

Regarding claim 49, the combined teachings as stated above disclose **the processor-readable instructions of claim 48**, and Yap further discloses **wherein said user interface causes said recording device associated with said second window to record said programs selected by a user from said electronic program guide** (paragraphs [0186]-[0187]).

Regarding claim 50, the combined teachings as stated above disclose **the processor-readable instructions of claim 48**, and Yap further discloses **wherein, when multiple recording devices are available, said user interface comprises controls for selecting which recording device is associated with said second window** (paragraph [0127]).

Regarding claim 51, the combined teachings as stated above disclose **the processor-readable instructions of claim 48**, and Alten further discloses **wherein, when multiple sources of audiovisual programming are available, said user interface comprises controls for selecting which source of audiovisual programming is associated with said first window** (Fig. 37, column 27, lines 53-62). Alten discloses a user interface from which the user can select a programming source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include being able to select from a user interface the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to select from which source the programming was coming.

Regarding claim 70, Yap discloses **an audiovisual device in communication with at least one recording device, said audiovisual device comprising: a user input device** (paragraph [0186]); **and a user interface displayed on said audiovisual device; wherein said user interface comprises a first display** (Figure 2, element 271 and/or 272) **associated with a source of audiovisual programming** (paragraph [0199]), **and a second display** (Figure 2,

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element 272 and/or 271) **associated with said recording device** (paragraph [0198]); **and wherein said second display displays said audiovisual programming in response to a record command, such that both said first and second displays each display said audiovisual programming from said source of audiovisual programming associated with said first display to indicate that said recording device is recording said audiovisual programming associated with said first display** (paragraph [0031]). Yap does not explicitly disclose **wherein said user interface further comprises a first identifier displayed in association with said first display identifying said source of audiovisual programming associated with said first display from among a plurality of sources of audiovisual programming**. However, in analogous art, Alten discloses displaying to users an indication of the source from which a program is being received (Fig. 37, column 27, lines 37-52), so that the user can know which programs are sourced from cable, satellite, broadcast, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include identifying the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to know from which source the programming was coming.

Neither Yap nor Alten explicitly disclose **a second identifier displayed in association with said second display identifying said connected recording device associated with said second display**. However, in analogous art, Hirasawa discloses displaying to the user information indicative of recording source and recording destination (Figs. 70 A and 70B, column 40, lines 31-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap and Alten to include identifying an associated

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recording device. This would have produced predictable and desirable results, in that the user would have a way to know where the material was being recorded.

Neither Yap, Alten nor Hirasawa explicitly disclose wherein **said display device comprises a user interface comprising: the first display as a first window and the second display as a second window**. However, in analogous art concerning electronic programming guides (EPGs), Rodriguez discloses that a single display can have several windows, wherein each window can display videos, EPG information, or a combination of the two (Figs. 5A-5E, col. 28, ln. 29 - col. 29, ln. 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above teachings to allow for the displays of Yap to be shown in windows on the same display. This would have produced predictable and desirable results, in that the user could gain access to more information while still having the information organized in a manner than is easy to navigate.

Regarding claim 72, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **wherein said recording device is also a second source of audiovisual programming and audiovisual programming from said recording device is displayed in said second window** (paragraph [0031]).

Regarding claim 73, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **wherein said user input device comprises a remote control unit** (paragraph [0041]).

Regarding claim 74, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **wherein said user interface further comprises on-screen**

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controls for controlling said recording device, said on-screen controls being operated with said user input device (paragraphs [0110], [0126] and [0149]-[0150]).

Regarding claim 75, the combined teachings as stated above disclose **the device of claim 74**, and Yap further discloses **wherein said user interface further comprises a status identifier for identifying a current operation being performed by said recording device** (paragraphs [0196]-[0197], Table 1).

Regarding claim 76, the combined teachings as stated above disclose **the device of claim 74**, and Yap further discloses **wherein, when said on-screen controls are used to send a record command to said recording device** (paragraph [0126]), **said recording device automatically records audiovisual programming from said audiovisual source associated with said first window** (paragraph [0199]).

Regarding claim 77, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **wherein said audiovisual device communicates with multiple recording devices** (Figure 2, elements 205 and 255, paragraphs [0107] and [0152]-[0154], Figure 8, element 320), **and said user interface comprises controls for selecting a recording device to be associated with said second window and controlled through said user interface** (paragraphs [0150]-[0151]).

Regarding claim 80, the combined teachings as stated above disclose **the device of claim 70**, and Alten further discloses **wherein said user interface further comprises controls associated with said first window for selecting and controlling said source of audiovisual programming associated with said first window** (Fig. 37, column 27, lines 53-62). Alten discloses a user interface from which the user can select a programming source. Therefore, it

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would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include being able to select from a user interface the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to select from which source the programming was coming.

Regarding claim 81, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **wherein said audiovisual device communicates with said recording device through an IEEE 1394 interface** (paragraph [0108]).

Regarding claim 82, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **wherein said audiovisual device is a computer** (paragraph [0222]).

Regarding claim 83, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **wherein said audiovisual device is a television set** (paragraph [0222]).

Regarding claim 84, the combined teachings as stated above disclose **the device of claim 70**, and Yap further discloses **further comprising a memory card accessible to said audiovisual device, wherein said memory card is said recording device associated with said second window** (paragraph [0158]).

5. Claims 14-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Yap et al. (Pub. No.: US 2002/0040475) in view of Baumgartner et al. (Pub. No.: US 2002/0174433) and Rodriguez et al. (Pat. No.: US 7,373,650).

Regarding claim 14, Yap discloses **a display device connected to at least one recording device and at least one source of audiovisual programming, said display device comprising a user interface comprising: a first display** (Figure 2, element 272 and/or 271) **associated with a source of audiovisual programming; and a second display** (Figure 2, element 272 and/or 271) **associated with a connected recording device; wherein said first display displays an electronic program guide for said source of audiovisual programming** (paragraphs [0198]-[0199]), **and said second display lists programs selected by a user from said electronic program guide** (paragraphs [0186]-[0187]), **and wherein said second display is further configured to display said audiovisual programming in response to a record command, such that both said first and second displays each display said audiovisual programming from said source of audiovisual programming associated with said first display to indicate that said recording device is recording said audiovisual programming associated with said first window** (paragraph [0031]). Yap does not explicitly disclose wherein **said second window lists programs selected for future recording by a user from said electronic program guide**. However, in analogous art, Baumgartner discloses that an EPG can show a list of scheduled recordings (Fig. 25, paragraph [0132]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include programs selected for future recording. This would have produced predictable and desirable results, in that the user would have a way to see if the all of the programs he wanted to record were in fact scheduled to record.

Neither Yap nor Baumgartner explicitly disclose wherein **said display device comprises a user interface comprising: the first display as a first window and the second display as a**

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second window. However, in analogous art concerning electronic programming guides (EPGs), Rodriguez discloses that a single display can have several windows, wherein each window can display videos, EPG information, or a combination of the two (Figs. 5A-5E, col. 28, ln. 29 - col. 29, ln. 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above teachings to allow for the displays of Yap to be shown in windows on the same display. This would have produced predictable and desirable results, in that the user could gain access to more information while still having the information organized in a manner than is easy to navigate.

Regarding claim 15, the combined teachings as stated above disclose **the display device of claim 14**, and Yap further discloses **wherein said connected recording device associated with said second window automatically records said programs selected by a user from said electronic program guide** (paragraphs [0186]-[0187]).

Regarding claim 16, the combined teachings as stated above disclose **the display device of claim 14**, and Yap further discloses **wherein multiple recording devices are connected** (Figure 2, elements 205 and 255, paragraphs [0152]-[0154] and [0107], Figure 8, element 320) **and said user interface comprises controls for selecting which recording device is associated with said second window** (paragraphs [0150]-[0151]).

Regarding claim 17, the combined teachings as stated above disclose **the display device of claim 14**, and Alten further discloses **wherein multiple sources of audiovisual programming are connected and said user interface comprises controls for selecting which source of audiovisual programming is associated with said first window** (Fig. 37, column 27, lines 53-62). Alten discloses a user interface from which the user can select a programming

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source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include being able to select from a user interface the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to select from which source the programming was coming.

6. Claims, 18-31 and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yap et al. (Pub. No.: US 2002/0040475) in view of Alten et al. (Pat. No.: US 6,661,468) and Hirasawa (PCT Pub. No: WO 03009141 A1; for which Pat. No.: US 7,441,124 will serve as a translation and for citation purposes.), and further in view of Rodriguez et al. (Pat. No.: US 7,373,650) and Baumgartner et al. (Pub. No.: US 2002/0174433).

Regarding claim 18, Yap discloses **a video display device comprising: a screen; a user interface displayed on said screen; and a connection to a number of recording devices** (Figs. 13 and 14, paras. [0269]-[0274]. A display device is connected to at least one digital video recorder (DVR), and one is a number.) **and a number of sources of audiovisual programming** (Fig. 2, elements 10, 40, 41, 271 and 272. A display device can receive audiovisual programming from at least one receiver/tuner, and one is a number); **in which said user interface comprises a first display** (Figure 2, element 271 and/or 272) **associated with a source of audiovisual programming** (paragraph [0199]), **and a second display** (Figure 2, element 272 and/or 271) **associated with a connected recording device** (paragraph [0198]). The limitation **and in which said connection is configured to provide asynchronous and isochronous data transfer** is not further limiting, as “[c]laim scope is not limited by claim language that suggests or makes

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optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. (See MPEP § 2111.04)” The phrase “configured to,” which is similar in meaning to “adapted to,” renders the above limitation to be non-limiting, as Yap discloses the structure of the connection. Furthermore, Yap discloses that the internet may be used as a content feed (Fig. 2, element 26), as well as disclosing that the 1394 protocol may be used (para. [0108]). Thus, Yap does in fact disclose wherein both asynchronous data transfer (internet) and isochronous data transfer (cable or satellite television) could be used, and discloses a means for transferring said data (an IEEE 1394 cable can carry both asynchronous and isochronous data). Yap does not explicitly disclose **in which a first identifier is displayed in association with said first display identifying said source of audiovisual programming associated with said first display from among a plurality of sources of audiovisual programming**. However, in analogous art, Alten discloses displaying to users an indication of the source from which a program is being received (Fig. 37, column 27, lines 37-52), so that the user can know which programs are sourced from cable, satellite, broadcast, etc. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include identifying the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to know from which source the programming was coming.

Neither Yap nor Alten explicitly disclose **in which a second identifier is displayed in association with said second display identifying said connected recording device associated with said second display**. However, in analogous art, Hirasawa discloses displaying to the user information indicative of recording source and recording destination (Figs. 70 A and 70B,

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column 40, lines 31-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap and Alten to include identifying an associated recording device. This would have produced predictable and desirable results, in that the user would have a way to know where the material was being recorded.

Neither Yap, Alten nor Hirasawa explicitly disclose wherein **said display device comprises a user interface comprising: the first display as a first window and the second display as a second window**. However, in analogous art concerning electronic programming guides (EPGs), Rodriguez discloses that a single display can have several windows, wherein each window can display videos, EPG information, or a combination of the two (Figs. 5A-5E, col. 28, ln. 29 - col. 29, ln. 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the above teachings to allow for the displays of Yap to be shown in windows on the same display. This would have produced predictable and desirable results, in that the user could gain access to more information while still having the information organized in a manner than is easy to navigate.

None of the above cited art explicitly discloses **in which an electronic programming guide for said source of audiovisual programming associated with said first window is selectively displayed in said first window and a list of programs selected from said electronic programming guide to be recorded by said recording device associated with said second window is displayed in said second window when said electronic programming guide is displayed in said first window**. However, in analogous art, Baumgartner discloses that an EPG can show a list of scheduled recordings (Fig. 25, paragraph [0132]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include

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displaying programs selected for future recording. This would have produced predictable and desirable results, in that the user would have a way to see if the all of the programs he wanted to record were in fact scheduled to record.

Regarding claim 19, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Yap further discloses **wherein said first window displays said audiovisual programming from said source of audiovisual programming** (paragraph [0199]).

Regarding claim 20, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Yap further discloses **wherein said connected recording device is also a second source of audiovisual programming and said audiovisual programming from said recording device is displayed in said second window** (paragraph [0031]).

Regarding claim 21, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Yap further discloses **further comprising a remote control unit, wherein said user interface further comprises on-screen controls for controlling said connected recording device, said on-screen controls being operated with said remote control unit** (paragraph [0041]).

Regarding claim 22, the combined teachings of the references cited above disclose **the video display device of claim 21**, and Yap further discloses **wherein said user interface further comprises a status identifier for identifying a current operation being performed by said connected recording device** (paragraphs [0196]-[0197], Table 1).

Regarding claim 23, the combined teachings of the references cited above disclose **the video display device of claim 21**, and Yap further discloses **wherein, when said on-screen controls are used to send a record command to said connected recording device** (paragraph [0126]), **said connected recording device automatically records said audiovisual programming being displayed in said first window** (paragraph [0199]).

Regarding claim 24, the combined teachings of the references cited above disclose **the video display device of claim 23**, and Yap further discloses **wherein, while said connected recording device is recording, said audiovisual programming is also displayed in said second window** (paragraph [0199]).

Regarding claim 25, the combined teachings of the references cited above disclose **the video display device of claim 21**, and Yap further discloses **wherein multiple recording devices are connected** (Figure 2, elements 205 and 255, paragraphs [0107] and [0152]-[0154], Figure 8, element 320), **said on-screen controls further comprising controls for selecting a recording device to be associated with said second window and controlled through said user interface** (paragraphs [0150]-[0151]).

Regarding claim 26, the combined teachings of the references cited above disclose **the video display device of claim 25**, and Hirasawa further discloses **wherein said user interface further comprises a device identifier for identifying which connected recording device is currently associated with said second window** (Figs. 70 A and 70B, column 40, lines 31-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include identifying an associated recording device. This would have produced

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predictable and desirable results, in that the user would have a way to know where the material was being recorded.

Regarding claim 27, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Alten further discloses **wherein said user interface further comprises an identifier identifying said source of audiovisual programming, with multiple sources of audiovisual programming being available** (Fig. 37, column 27, lines 37-52). Alten discloses a user interface from which the user can select a programming source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include being able to select from a user interface the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to select from which source the programming was coming.

Regarding claim 28, the combined teachings of the references cited above disclose **the video display device of claim 27**, and Alten further discloses **wherein said user interface further comprises controls associated with said first window for selecting and controlling said source of audiovisual programming associated with said first window** (Fig. 37, column 27, lines 53-62). Alten discloses a user interface from which the user can select a programming source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include being able to select from a user interface the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to select from which source the programming was coming.

Regarding claim 29, the combined teachings of the references cited above disclose **the video display device of claim 28**, and Yap further discloses **wherein said user interface**

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further comprises a status identifier identifying a current operation being performed by said source of audiovisual programming (paragraphs [0126] and [0149]-[0150]).

Regarding claim 30, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Yap further discloses **wherein said connection to at least one recording device is an IEEE 1394 interface** (paragraph [0108]).

Regarding claim 31, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Yap further discloses **further comprising a memory card in said video display device, wherein said memory card is said recording device associated with said second window** (paragraph [0158]).

Regarding claim 34, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Yap further discloses **wherein multiple recording devices are connected and said user interface comprises controls for selecting which recording device is associated with said second window** (paragraph [0127]).

Regarding claim 35, the combined teachings of the references cited above disclose **the video display device of claim 18**, and Alten further discloses **wherein multiple sources of audiovisual programming are connected and said user interface comprises controls for selecting which source of audiovisual programming is associated with said first window** (Fig. 37, column 27, lines 53-62). Alten discloses a user interface from which the user can select a programming source. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Yap to include being able to select from a user interface the source of the programming. This would have produced predictable and desirable results, in that the user would have a way to select from which source the programming was coming.

Response to Arguments

7. Applicant's arguments filed December 9, 2009 concerning claims 1, 36, 70, 12, 14 and 18 have been fully considered but they are not persuasive.

In reference to Applicant's argument on page 19 concerning claims 1 and 36:

None of the prior art references teach or suggest a connection that is configured to provide asynchronous and isochronous data transfer.

Examiner's Response:

As noted in the rejections of claims 1 and 36, the claims are written in such a way, i.e. using the term "configured to," as to render the limitation concerning asynchronous and isochronous data transfer non-limiting. Furthermore, Examiner notes, as in the rejections of claims 1 and 36, that Yap discloses that the internet may be used as a content feed (Fig. 2, element 26), as well as disclosing that the 1394 protocol may be used (para. [0108]). Thus, Yap does in fact disclose wherein both asynchronous data transfer (internet) and isochronous data transfer (cable or satellite television) could be used, and discloses a means for transferring said data (an IEEE 1394 cable can carry both asynchronous and isochronous data).

Examiner's above response is repeated in response to Applicant's arguments concerning claim 18 on pages 32-34, as these arguments are substantially similar to Applicant's arguments concerning claims 1 and 36.

In reference to Applicant's argument on page 22 concerning claim 70:

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In other words, Yap simply teaches several modes of viewing recorded and live signals, and does not teach or suggest viewing a single signal on two separate windows on a single display device in order to indicate to a user that the signal is being recorded on a recording device.

Examiner's Response:

Examiner does not claim that Yap teaches the feature of viewing a single signal on two separate windows on a single display device, but rather states that Yap in combination with Rodriguez teaches this feature (see the rejection of claim 70 above). Applicant is reminded that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In reference to Applicant's argument on page 23 concerning claim 70:

In the Response to the Arguments, the Office Action states that "nowhere in claim [70] is the word 'confirm' used." (Action, p. 25). This is true. However, Applicant maintains that Yap does not teach or suggest indicating the recording of audiovisual programming displayed in a first window by displaying the audiovisual programming in the second window.

Further, the Office Action insists that because the word "indicate" is used, this term "can mean 'to point out or show That is, when a user records a program, and the recording starts in a second window, this has shown [to] the user that the recording has begun.'" (Id.). However, Applicant asserts that the teachings of Yap do not include this specific recitation of claim 70. Yap, as discussed above, simply teaches several modes of viewing recorded and live signals. Yap is silent with regard to indicating the recording of audiovisual programming displayed in a first window by displaying the audiovisual programming in the second window.

In contrast, claim 70 recites an audiovisual device in communication with at least one recording device, said audiovisual device comprising a user interface displayed on said audiovisual device, wherein said user interface comprises a first window associated with a source of audiovisual programming, and a second window associated with said recording device... wherein said second window displays said audiovisual programming in response to a record command, such that both said first and second windows each display said audiovisual programming from said source of audiovisual programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window. This subject matter is clearly not taught or suggested by Yap, Alten, Hirasawa, and Rodriguez.

Examiner's Response:

Examiner maintains his position that without using a word such as or similar in meaning to 'confirm,' the claim language discussed above is taught by the combination of Yap, Alten, Hirasawa and Rodriguez. The point of contention seems to focus on the disclosure of Yap in para. [0031], with Applicant stating (to paraphrase) that Yap does not disclose a second window displaying a program in response to a record command, such that *both* first and second windows *each* display said program associated with said first window *to indicate that said recording device is recording* (emphasis added in an attempt to isolate Applicant's perceived lack of teaching in Yap). Examiner will present the following scenario to illustrate how Yap's specification discloses this feature. If a viewer were watching program A on a display 1 (such as 271), and said user decided to record program A, using a display 2 (such as 272), then once the recording began on display 2, *both* displays would *each* display program A, which would indicate to the viewer that the recording had started. To further illustrate, if the display 2 *did not* begin displaying program A, the viewer would know that the recording had not started, since the viewer had chosen to use display 2 to record program A. The fact that the viewer does not *have to* be watching the same program A on display 1 is immaterial; the viewer can be, as disclosed by Yap in para. [0031], and thus Yap discloses Applicant's claimed feature. Again, using a word such as 'confirm' would overcome the teaching of Yap. As stated in the above rejection, the limitation concerning having a user interface comprising the first display as a first window and the second display as a second window is taught by Rodriguez.

Examiner's above response is repeated in response to Applicant's arguments concerning claims 12 and 14 on pages 25-32, as these arguments are substantially similar to Applicant's arguments concerning claim 70.

Examination Considerations

8. The claims and only the claims form the metes and bounds of the invention. “Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)” (MPEP p 2100-8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

9. Examiner’s Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner’s Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

10. Unless otherwise annotated, Examiner’s statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

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11. Examiner's Opinion: ¶¶ 8.-10. apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

13. Claims 1-7, 10-31, 34-43, 46-51, 70, 72-77 and 80-84 are rejected.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571) 270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/
Examiner, Art Unit 2426

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
February 22, 2010